

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ  
APO AE 09393

REPLY TO  
ATTENTION OF

AFZB-CG

7 July 2006

MEMORANDUM FOR Commander, Multi-National Corps Iraq, Baghdad, Iraq APO AE 09342

SUBJECT: Response to MNC-I Concerns Re: COL (b)(3), (b)(6) Ability to Remain in Command Following Allegations of Subordinate Misconduct During Operation Iron Triangle

1. Purpose: To provide insight into the command climate established by COL (b)(3), (b)(6) in the 3d BCT prior to and during Operation Iron Triangle which may have contributed to the deaths of noncombatants.

2. To achieve this purpose, two specific questions must be answered. Did COL (b)(3), (b)(6) exercise due diligence in his comments to troops in preparation for Operation Iron Triangle? Through his words or deeds did he, purposefully or inadvertently, create the conditions within his BCT that resulted in the wrongful death of noncombatants?

3. Did COL (b)(3), (b)(6) exercise due diligence in his comments to troops in preparation for Operation Iron Triangle? Yes.

a. Due diligence is characterized as using that degree of care that a reasonable and prudent commander would, with the same level of expertise and experience as COL (b)(3), (b)(6) use in addressing a Company of Soldiers prior to the execution of an operation. Reviewing the intelligence available to COL (b)(3), (b)(6) prior to Operation Iron Triangle (OIT), some of the relevant factors he considered prior to talking to his Soldiers included:

- the objective was a sparsely populated area characteristic of AQIZ sanctuaries and training camps and had recently been used by AQIZ;
- 15 significant combat operations had been conducted by OCFI or 3d BCT since 11 February 2006 in the OIT vicinity resulting in 35 EKIA and 62 detained Al Qaeda operatives and foreign fighters; and
- specific information that Al Zarqawi had recently been in the area with 20 to 60 bodyguards to train his forces.

b. Considering the intelligence coupled with COL (b)(3), (b)(6) understanding of the Rules of Engagement as they pertained to Status Based targets, COL (b)(3), (b)(6) comments were not unreasonable. OIT was the Air Assault operation that gave COL (b)(3), (b)(6) the "most concern"

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(exhibit 25, page 7, MNC-I 15-6) since arriving in country and his comments made clear to the Soldiers executing OIT that they needed to be prepared to fight as they dismounted the helicopters. He told his Soldiers that they, along with the pilots, should expect to receive fire as they reached the objective and that they needed to be ready to return fire as they landed. As the 15-6 IO found, a breakdown in communication caused some Soldiers to believe they had a "new ROE" and that an order to kill all military aged males (MAMs) on the objective was given. No such order was ever given by COL (b)(3), (b)(6). Notwithstanding the apparent breakdown in communication found by the IO in the MNC-I 15-6, the number of detainees taken during OIT as opposed to number of casualties, both KIA and WIA, reveals that COL (b)(3), (b)(6) comments were not misconstrued by his Soldiers. (There were 213 detainees versus 8 KIA during OIT).

4. *Through his words or deeds, did he purposefully or inadvertently create the conditions within his BCT that resulted in the wrongful deaths of noncombatants?* No.

a. There is no evidence that supports a conclusion that there existed a purposeful design to set conditions that would result in death or injury to noncombatants. COL (b)(3), (b)(6) words and deeds set the conditions for an aggressive Air Assault into an objective that COL (b)(3), (b)(6) and his staff believed would be the most challenging and potentially dangerous for his Soldiers since their arrival into the ITO. COL (b)(3), (b)(6) design was to impress upon his Soldiers the difference between OIT and prior operations and to ensure that they were ready for what was expected to be a fight against a determined enemy. "I absolutely set the conditions verbally for them to get off the helicopter and fight." See exhibit 25, page 35, MNC-I 15-6.

b. Similarly, although COL (b)(3), (b)(6) words and deeds arguably raised the aggressive posture of his forces during OIT, I do not believe that it inadvertently set the conditions that resulted in the wrongful death of detainees. I do not believe COL (b)(3), (b)(6) words or actions created the conditions that resulted in the wrongful deaths of noncombatants.

5. COL (b)(3), (b)(6) the Leader:

a. COL (b)(3), (b)(6) is a standard bearer who holds himself and his Soldiers to high standards. He knows the Art of warfighting, clearly understands the horrors of war, and continuously reinforces to his Soldiers the importance of adhering to the Laws of Armed Conflict. He built a new modular brigade combat team centered on the principles that every Soldier is a warrior, emphasizing expert marksmanship, physical and mental toughness, medical skills, and expertise in battle drills. He also instilled in his Soldiers the Warrior Ethos and the importance of living the Army Values.

b. To understand COL (b)(3), (b)(6) effectiveness, one must consider the totality of his command, the AO he was given, and the many accomplishments achieved in a short period of time. His AO encompasses an area 215 KMs by 115 KMs, roughly 20,000 square kilometers. Within his AO lie the key cities of Tikrit, Samarra, and Baiji. Operations conducted by the BCT have had an immeasurable impact on our understanding of AQIZ and the insurgency, effectively

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neutralizing the insurgency in SaD Province. Operation Katrina provided an insight into the AQIZ structure previously not understood. In addition to 3d BCT's efforts in neutralizing the insurgency in the three key cities in their AO, the 3d BCT accomplishments in these highly volatile and extremely dangerous areas include:

(1) Iraqi Army in the Lead. His partnership with the 4<sup>th</sup> Iraqi Army Division has resulted in the division progressing from TRA level 4 to TRA level 2 in seven months. Two battalions and one brigade have assumed Iraqi Army in the Lead.

(2) Iraqi Police Services. Police forces that were previously non-existent and/or dysfunctional in Baiji and Samarra are now effectively operating in these volatile cities. The Tikrit police force is at TRA level 2. The number of police recruits in training has increased dramatically.

(3) Reconstruction and Governance. The 3d BCT's efforts in this area have resulted in restructuring of the PRDC and in furthering the transparency of Government. Specific highlights include: Samarra participation in SaD Provincial Council processes; Baiji City Council airing meetings on SaD TV; Tikrit University and Texas A&M partnership; Tikrit Industrial Votech School partnership with Ad Dwar textile mill; functioning vocational school in Kadasia; Al Alam water bottling plant operational in August 06; development of functioning newspaper in Ad Dwar; reestablishment of SaD Corporation factories in FOB Wilson; and facilitation and establishment of PRTs. Finally, he has conducted countless successful SOI engagements, motivating the provincial leaders to accept responsibility for their areas of responsibility and, more importantly, for their people.

(4) Secure Key Infrastructure. Upon arrival into the AO, the BCT(-) was immediately tasked to secure the Al Fatah crossing site to allow Parsons Corporation to complete the passage of oil pipelines across the river, a project that had floundered for months. The BCT has helped build a new Strategic Infrastructure Brigade and partnered with 6 SIB battalions. The 3d BCT, more than any other unit, has been responsible for gaining an understanding of the corruption of the oil industry in Iraq and proposing solutions.

6. Impact on the Unit and the Division. The esprit de corps, cohesiveness, and warfighting spirit of the 3d BCT and its Soldiers is high, allowing its Soldiers to take on the tough missions and prevail under the most difficult of circumstances. I attribute this to the command climate established by COL (b)(3), (b)(6). In my opinion, removal of COL (b)(3), (b)(6) from command will have an immediate and noticeable impact on the Soldiers of the Rakkasans and the leadership of the entire Division.

7. Command Climate. The notable achievements in the 3d BCT AO and the significant progress towards creating a stable and secure environment would not have been possible but for COL (b)(3), (b)(6) leadership and establishment of a positive, team oriented, mission focused command climate.

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8. Recommendation: Based on the foregoing, I do not feel COL (b)(3), (b)(6) relief is justified. I believe that COL (b)(3), (b)(6) should remain in command.

THOMAS R. TURNER  
Major General, USA  
Commanding

Approved for Release